



An
Bord
Pleanála

Inspector's Report PL03.246562

Development	Demolish existing single-storey extensions to rear, upgrade existing community centre building and construct new single storey extension and associated ancillary works.
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	P16/113
Applicant(s)	Crusheen Community Centre
Type of Appeal	Third party against decision
Planning Authority Decision	GRANT with conditions
Appellant(s)	1. John and Anne Ryan
Observer(s)	None.
Date of Site Inspection	01/07/16
Inspector	John Desmond

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
4.0 Planning History.....	5
5.0 Policy Context.....	5
5.1. Clare County Development Plan 2011-2017	5
5.2. North Clare Local Area Plan 2011-2017	5
6.0 Natural Heritage Designations	6
7.0 The Appeal	6
8.0 Assessment	9
8.2. Parking provision.....	9
8.3. Other issues	10
8.4. Appropriate Assessment	11
9.0 Recommendation.....	12
10.0 Reasons and Considerations/ Reasons	13
11.0 Conditions	13

1.0 Site Location and Description

- 1.1. The application site is located in north central County Clare, within the suburban area to the southeast of Crusheen village, a rural village c.9km north of Ennis. The village is almost directly adjacent junction 15 on the M8.
- 1.2. The applicant relates to the site of an existing community centre located at the end of a cul-de-sac of accessed by twelve. houses and Crusheen National School. The site has a stated area of 0.1054ha and the existing single-storey building a stated gross floor area of 269-sq.m. A plaque on the front elevation states the building dates from 1884. The structure is single-storey in design, with apex roof above the original body of the structure and flat roofs over the two single-storey extensions to the rear.
- 1.3. The land in this area of drumlins is undulating, with the site situated at a lower level than most of the suburban housing to the west. The site would appear to have been excavated to provide a level platform for the building, with steep embankments evident to the west (side) and north (rear) of the site. The roadside boundary is demarcated by a metal post and rail fence. Traditional loose stone rubble walls and field boundary shrubs and trees demarcate the other boundaries, except for a short section of concrete block wall at the northern corner.
- 1.4. The site abuts one residential property, to the west, with agricultural lands on all other sides apart from the south, where the site fronts onto a widened section at the end of the cul-de-sac. There is a public park on the southern side of the cul-de-sac, facing the site, with pedestrian and vehicular access from the cul-de-sac. There are no road markings at the end of the cul-de-sac.
- 1.5. A stream runs within 12m of the site's southeast corner.

2.0 Proposed Development

- Demolish two existing single-storey extensions to rear (77-sq.m).

- Carry out upgrade existing community centre building including i) new natural slate roof (salvaging existing for re-use), ii) new chimney to east side to match existing, iii) new lime harling render finish, iv) new smooth render to plinth, v) new timber/aluminium sliding sash windows, and vi) new timber doors, vii).
- Construct new single storey extension (197-sq.m).
- Ancillary associated works – these are not specified, but a review of the drawings indicates that the existing roadside boundary fence is to be removed; gates to be provided at each side of the building; new pavements set to the front; new external seating area provided to the rear and new soft landscaping to be carried out on the existing retained earth embankment.

3.0 **Planning Authority Decision**

3.1. **Decision**

GRANT permission subject to three standard conditions.

3.2. **Planning Authority Reports**

The report of the area planner can be summarised as follows:

No issues arise. Notes no alterations are proposed to access arrangements. No stage 2 Appropriate Assessment required.

3.3. **Other Technical Reports**

Irish Water – No objection (05/04/16). Provides two notes for attachment to permission.

3.4. **Third Party Observations**

One observation received, from John and Anne Ryan of 12 Cloonmoney Grove, c/o Brendan McGrath & Associates (22/03/16). The main points raised are repeated in the grounds of appeal.

4.0 Planning History

4.1. On site

Reg.reg.16/387: Permission **GRANTED** by Clare County Council (06/07/16) to Crusheen Community Centre Ltd for the construction of a new parking area and associated ancillary site works. 6no. spaces are to be provided on the eastern side of the site which is extended beyond that of the site subject of this current appeal. There is no indication that the decision has been appealed.

5.0 Policy Context

5.1. Clare County Development Plan 2011-2017

Within the settlement boundary defined for Crusheen (map G4 Areas of Special Control).

Section 5.3.5 - Community Social and Cultural Facilities: A community's social, cultural and physical needs are facilitated in locations and amenities such as health centres, day centres, childcare facilities, schools, colleges, museums, libraries, public halls, places of worship, cemeteries and sports fields. Clare County Council facilitates and supports the development of these facilities.

A1.7.3 Car Parking and Bicycle Parking Standards: Community Centre/Sports Centre 2 spaces per 100-sq.m (in town centres). 4 spaces per 100 sq.m (other areas) and bicycle parking at 1 space per 8 employees / 4 spaces per 100 sq.m.

5.2. North Clare Local Area Plan 2011-2017

Crusheen is identified as a large village.

Section 4 'Large Villages': Crusheen. Map: Crusheen Settlement Plan

6.0 Natural Heritage Designations

The site is not within a Natura 2000 site, or within any other natural heritage designation area.

The site is within 750m of Slieve Aughty Mountains SPA (site ref.004168) to the east and c.2km from Oysterman's Marsh NHA to the southeast (site ref.2439), c.1.7km from Moyree River System SAC (site ref.00057) to the northwest, c.3.6km from Ballyogan Lough SAC (site ref.00019) to the northwest, and c.5.2km from East Burren Complex SAC (site ref.1926) to the northwest. The site is c.3.3km northeast of Dromore Woods and Lough SAC (site ref.00032), to which it appears to hydrologically connected via a stream within 12m of the site boundary, which flows to the River Fergus via Inchicronan Lough to the south, taking a circuitous route at least 5.6km in length.

7.0 The Appeal

7.1. Grounds of Appeal

The grounds of appeal can be summarised as follows:

- The community centre, located on a constricted site, is no longer adequate for safe and convenient access and parking due to increase in population and traffic and the proposed development does not provide the addition land required to accommodate the parking demand.
- The village has grown to become a substantial commuter settlement since the community centre and school were provided in c.1980 (population double between 1996-2011).
- The 2005 LAP designated land for a new school and community centre, recognising that the existing site was too small for needs, with an increase in that area designated under the 2011 LAP. This area continues to be reserved in the draft County Development Plan 2017-2023.

- The report of the Area Planner gives no regard to the series of plans for the village since 2001, or to the draft plan.
- The only issue given thorough assessment is that of the building's conservation status.
- Functional matters, such as the negligible parking capacity, are ignored – the planner refers to a parking demand of two spaces not 16.
- The parking shortfall could be mitigated if the Council were in a position to carry out works in the cul-de-sac to create additional on-street parking and protect the amenity of houses in the vicinity, but the Council cannot levy the applicant is a voluntary group.
- The area already has access and parking problems, which affect the appellants who live directly opposite the centre.

7.2. Planning Authority Response

The main points of the response (31/05/16) may be summarised as follows:

- The granting of permission does not preclude future development on identified new school and community centre lands.
- The proposed expansion of the use is acceptable on this site which is zoned 'community'.
- Two parking spaces are required for the additional 120-sq.m floor space concerned in this application under CDP standards.
- The parking area outside the site along with the area associated with the school, which has different parking demand times to that of the community centre, is sufficient to cater for the proposed development at this location within the village and additional spaces are not required.
- The proposed extension works well with the existing structure and site.

7.3. Other Party Responses

First party – The main points of the applicant's response to the appeal (27/05/16) may be summarised as follows:

- The community centre is a vital resource for the village.
- According to the Council's Conservation Officer, the old national school is of historic, social and cultural importance and should not be demolished or radically altered.
- A report on the pitched roof of the building, prepared by MacMahon & Hardiman Consulting Engineers in 2013, concluded that the original roof had reached the end of its life and should be replaced.
- Following prolonged consultation, the applicant has successfully completed the negotiations with the neighbouring landowner to acquire a small parcel of adjoining land and an application for permission for onsite parking was made under reg.ref.16/387 on 13/05/16.
- The planner's report, to the application under appeal, considered the public parking area to be sufficient to cater for the proposed development.

Third party - The main point of the third party appellants', John and Anne Ryan, response to the appeal (27/06/16) can be summarised as follows:

- The application for permission for additional parking under reg.ref.16/387 validates the appellants' grounds of appeal.
- There is no satisfactory way in which the Board can grant permission for the subject development that would ensure the construction of the car park for the centre.
- The car park would not meet the minimum size standards of the CDP.

- The car park access would remove two on-street parking spaces, resulting in a net gain of only four spaces, falling far short of the 16no. required under the CDP.
- A straightforward solution would be the making of a new application for the whole redevelopment on an enlarged site.

7.4. **Observations**

None.

8.0 **Assessment**

8.1. I consider the main to be addressed to be as follows:

- Parking provision
- Other issues
- Appropriate Assessment

8.2. **Parking provision**

8.2.1. The proposed development entails the provision of a net additional 120-sq.m gross floor area. Based on the car parking standards in the Clare County Development Plan 2011 (A1.7.3) four spaces per 100-sq.m are required for such development being location outside of a 'town centre' area (two are required within). The application site is not located in a town centre ('town centre / mixed use' land use zone exists under the development plan), or within the village centre defined under the North Clare LAP 2011-2017. Accordingly, the proposed 120-sq.m development would have a parking demand of at five spaces.

8.2.2. The Planning Authority calculates the parking demand to be two additional spaces and is of the opinion that there is sufficient off-street car parking in the area to cater the proposed development, on the basis that there is no overlap in period of parking demand between the local school and the proposed extended community centre.

8.2.3. There are no parking restrictions on the cul-de-sac and there would appear to be ample room to accommodate parallel on-street parking, in addition to perpendicular parking in front of the centre. The third party claims there is room for only six spaces on-street and that there are, on occasion, chaotic traffic conditions in Clooney Grove as a result of activities / events at either the school or the community centre, which seriously impact on their residential amenity. They are concerned that the extension and upgrade will result in greater use of the buildings. The appellants have not submitted any details to support their case that the existing centre results in significant adverse impacts from the traffic and parking demand generated, or the frequency of same.

8.2.4. The provision of car parking space demarcation on the public road in the vicinity of the community centre would improve the capacity of the area to accommodate on-street parking efficiently, however this is outside the control of the application and a matter for the County Council. Given the relatively small scale of the development and the long-standing operation of the use from the site, and the character of the road network and the surrounding area, I am satisfied that the Planning Authority's decision not to require additional off-street parking to be reasonable and that the Board should grant permission for the proposed development.

8.2.5. I note that permission has subsequently been granted (reg.ref.16/387) to the applicant for the provision of additional off-street parking (six spaces) within the extended site. I would agree with the appellant that the Board cannot compel the applicant to provide the parking under the terms of the subject application under appeal as the parking falls largely outside the boundary of the site.

8.3. **Other issues**

8.3.1. The existing building is over 130 years old and, based on the information submitted by the applicant, would appear to retain its original roof structure. Given the structure's age and location on the periphery of a village, there is a significant

possibility that the existing roof structure accommodates bats. No bat survey was carried out.

- 8.3.2. All bats are protected by law under the Wildlife Act 1976, as amended, with the Lesser Horseshoe Bat included as an Annex II species under the Habitats Directive (see Appropriate Assessment, below) and all others included under Annex IV. Lesser Horseshoe Bat are limited to the counties of Clare, Cork, Galway, Kerry, Limerick and Mayo and I note that Lesser Horseshow Bat is one of the qualifying interests of Moyree River System SAC (site ref.00057) c.1.7km to the west, of Dromore Woods and Lough SAC (site ref.00032) c.3.1km to the southwest and of the East Burren Complex SAC (site ref.1926) c.5.2km to the northwest.
- 8.3.3. The applicant proposes to replace the entire roof as the original roof has reached the end of its life. Where planned works will result in the loss of a bat roost, a Derogation Licence is required, which should be applied for, with the assistance of a licensed bat specialist, to the NPWS¹. As no bat survey was carried out it is not possible to determine whether a derogation is required. This is a **NEW ISSUE**.
- 8.3.4. In the event that the Board decides to grant permission, the Board may consider it appropriate to attach a condition requiring the carrying out of a bat survey by an appropriately qualified ecologist and, in the event that bats are found within the structure, to prohibit the carrying out of works to the roof structure without the prior written agreement of the NPWS and receipt of a Derogation License, as necessary.

8.4. **Appropriate Assessment**

- 8.4.1. As noted above, the site is not within a Natura 2000 site. The nearest site, Slieve Aughty Mountains SPA (site ref.004168), is within c.750m. The planning authority's stage 1 appropriate assessment screening assessment incorrectly states that the development is not within 1km of a SPA.

¹ 'Bats in Buildings: Guidelines for Planners, Architects, Engineers and Developers' (2010). http://www.batconservationireland.org/wp-content/uploads/2013/09/BCIrelandGuidelines_Building.pdf Accessed 02/09/16.

8.4.2. The site is c.3.3km northeast of Dromore Woods and Lough SAC (site ref.00032), to which it is hydrologically connected (upstream) via a small stream within 12m of the site boundary, which flows to the River Fergus, within the SAC via Inchicronan Lough and Millbrook river (waterbody of Good status and not at risk²) to the south. The planning authority's screening assessment incorrectly states that the development is not within the catchment, or immediately upstream of a watercourse designated as a Natura 2000 site.

8.4.3. The site is c.1.7km to the east of Moyree River System SAC (site ref.00057) and c.5.2km to the southeast of East Burren Complex SAC (site ref.1926). These sites are not hydrologically connected to the application site by the surface water system.

8.4.4. Having regard to species of interest, the Conservation Objective for the aforementioned Natura 2000 sites³, the distance from the appeal site to each of the Natura 2000 Sites, and the threats and pressures identified as having impacts on each of those sites⁴, given the nature and small scale of the proposed development, comprising upgrading and extension of the existing community centre building, including replacement roof, and taking into account permitted car park development within the extended site under reg.ref.16/387, I am satisfied that the no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site

9.0 Recommendation

9.1. I recommend that planning permission should be granted, subject to conditions, as set out below.

² 'Full Report for Waterbody Millbrook, Tib of Fergus' (July, 2010)

³ See 'Conservation Objectives for Slieve Aughty Mountain SPA [004168]'; 'Conservation Objectives for Dromore Woods and Lough SAC [000032]'; 'Conservation Objectives for Moyree River System SAC [site ref.00057]'; 'Conservation Objectives for East Burren Complex SAC [site ref.1926].

⁴ See 'Natura 2000 – Standard Data Form', table 4.3.

10.0 Reasons and Considerations/ Reasons

Having regard to the zoning of the appeal site for community use under the North Clare Local Area Plan 2011-2017, to the longstanding use of the existing premises as a community centre, to the moderate scale of the development and to the availability of on-street parking in the vicinity, it is considered that the proposed development would not seriously injure the amenities of property in the vicinity and would be in accordance with the provisions of the Clare County Development Plan 2011-2017 and with the proper planning and sustainable development of the area subject to compliance with the conditions set out below.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health

3. (a) Prior to the commencement of development, a fully detailed bat survey of the existing structure shall be carried out by an appropriately qualified

ecologist on behalf of the developer and the results of the survey shall be submitted to the Planning Authority.

- (b) In the event that evidence of a bat roost is found, detailed measures in relation to the protection of bats shall be submitted to and agreed in writing with the planning authority and the National Parks and Wildlife Service, prior to commencement of development. These measures shall be implemented as part of the development.
- (c) Any envisaged destruction of structures that support bat populations shall be carried out only under licence from the National Parks and Wildlife Service and details of any such licence shall be submitted to the planning authority

Reason: In the interest of wildlife protection

John Desmond
Planning Inspector

2nd September 2016